

The Nation.

NEW YORK, THURSDAY, APRIL 18, 1872.

The Week.

THE canvass was opened on the Liberal Republican side in this city on Friday by a mass meeting in the Cooper Institute, and we believe it was the most densely packed meeting which ever met there. All approach within fifty yards of the entrance was next to impossible in the early part of the evening, so great was the crowd in the street. All this is a matter of fact. The composition of the meeting is a matter of opinion. To all outward appearance, the audience was composed of that sober, thoughtful middle class, equally removed from wealth and poverty, which one has seen in the same room on all great occasions since 1860, such, in short, as was there at the first emancipation meeting in 1862, and at the reform meeting of last spring. It is, of course, open to anybody to say, and it is said, that the crowd was drawn together by curiosity; but, if we may judge by outward signs, it was as enthusiastic a meeting as was ever got together in this city. The speaking was done by Senators Trumbull and Schurz, the former making a strong, clear, but unadorned statement of the charges brought by the promoters of the new movement against the Administration, and the latter clothing it all with that powerful and *telling* rhetoric of which he is now the greatest master in America.

Mr. Schurz made a good point in his speech when he asked attention to the fact that within the last twelve years of war and reconstruction about one-third of the whole number of voters in the country had attained majority and had been receiving their political training. For good or for bad, necessarily or unnecessarily, this period of twelve years has been full of a spirit which was not that of the fathers and founders who ordained a government of constitutional principles, of respect for constitutional checks and for law; who held in wholesome and jealous fear the government of men and of momentary measures; who believed in local self-control, and looked with suspicion upon the advances of the Federal Government towards the centralization of power. The boy born in 1851 has, ever since he was ten years old, seen in operation not Personal Liberty laws, but general orders promulgated by major-generals, and resolutions of Congress, and commands of the President directing State governments how to frame their fundamental law. Unless we are permanently to change our form of government as already we have for the moment changed it, it is time the new voters should take lessons in something besides centralization.

It ought to and must be admitted by the friends of the Cincinnati movement that, owing to the condition of local politics, it makes its appearance in this city under some serious disadvantages. It gets the support, as a matter of course, of a large number of persons who are dissatisfied with the Administration, for disreputable as well as respectable reasons. But there is no mode that we know of keeping them out of it; and if they support a good ticket on a satisfactory platform, good men have no more reason for complaining of them than of complaining of Satan for suffering himself to be sprinkled with holy water. Those who insist that every reform organization shall be supported from the outset only by Christian patriots, and shall only be composed of saints and sages, are, we greatly fear, considering that they are aware of the present state of human nature, not particularly anxious for reform at all; that is, like our Congressional civil-service reformers, they are in favor of a party of reform, but they cannot bear a party which allows bad men to attend its meetings, and are determined to wait for reform till a party appears which shall con-

tain none but the pure and good. A large number of persons will go to Cincinnati, both from New York and Philadelphia, in the character of hungry and dissatisfied vultures who have not had a fair chance at Custom-house and other carrion; but there is this to be said about their appearance, that they have a keen scent, and go to no place where they do not believe there is a good chance of a carcass. So that we may conclude from their adhesion to it, that they at least believe the Cincinnati movement is going to succeed.

The friends of the Administration are at this writing preparing for a counter-demonstration, which will take place after we have gone to press. To their call is appended a list of names of merchants and bankers which could hardly be surpassed in respectability. It would, however, have more value—we were going to say some value—as a political sign, if any other candidate than General Grant were in the field. Merchants and bankers very naturally, and indeed properly, dislike and distrust the unknown, and cling to the thing that is. We venture to say that there are hardly ten men on the list before us who, if Charles Francis Adams, for instance, is nominated at Cincinnati, will not vote for him, in spite of their present endorsement of the Administration. It must be remembered, too, that when that eminent man, Richard B. Connolly, wanted to get *his* administration “endorsed” before the election of 1870, he went down town and took his pick of the merchants and bankers, the very pink and pride of Wall Street, and they not only “endorsed” him, but certified that his accounts were correct without properly examining them. Fernando Wood’s “endorsement” in 1855 was also unsurpassed in commercial respectability. We say these things not by way of casting discredit on the motives or the character of the signers of the present call, but to enable observers at a distance to appreciate the demonstration properly. We must remind them, too, that the Custom-house and the special agents of the Treasury weigh heavily on the souls of importers. It is hard for a man to refuse to endorse an Administration which might any day fill his office with police, and carry off his books, papers, and private letters, on a mere allegation of suspicion of frauds on the revenue. The absence of German names from the call is a fact that we take to be significant of much.

A meeting to support the Administration was held in Brooklyn on Wednesday of last week, which was made remarkable by Mr. Henry Ward Beecher’s first appearance in the canvass and, as usual, it was a very happy one. He is unqualified in his adhesion to General Grant, but he admits that the Cincinnati Convention may do good by its debates if it does not by its nomination. “If,” he said, “they can raise up a more loyal power within the land; if they can raise a platform which shall be higher than it would have been if raised by us, we will accept their influence and use it.” Of Sumner, and Schurz, and Trumbull, he spoke in terms of generous and manly praise. He did full justice to Mr. Sumner’s claims to the respect of the Republican party, and declared that, no matter how Mr. Schurz might be “caricatured and traduced,” he listened to him with great respect as a “wise” and “eloquent” and “honest man,” and that the same was true of Mr. Trumbull. Now, we would call the attention of the champions of the Administration to the fact that the value of Mr. Beecher’s support of General Grant, instead of being diminished, was greatly increased by this decent acknowledgment of the personal merit of General Grant’s leading opponents.

The latest important accessions to the Liberal Reform ranks are those of Governor Blair of Michigan and Governor Palmer of Illinois. Governor Palmer is a politician, in the best sense of that word, who is on the intellectual and moral level of Trumbull, Governor Cox, Mr. Schurz, and the other best adherents of the new movement. He adds one more to the roll of distinguished Illinois Liberals enumer-

ated by Mr. Trumbull the other night. Another reported accession is that of Mr. Foster of Connecticut, late acting Vice-President, and by the time this reaches our readers announcement will probably have been made of a delegation from Massachusetts. If rumor speaks truly, it will be a delegation containing some names which are no gain to any cause—names which cannot be refused rather than names much to be desired; but these will be greatly outnumbered by those of patriotic men sick of the present state of affairs, hopeful of bringing it to an end now, and determined at all events to bring it to an end soon. We think that with every day the movement increases its claim to the respect and furtherance of all good citizens, and as we look to see many wise men in council at Cincinnati week after next, we suppose its claim to respect may reasonably be expected to go on increasing until next November, when it should certainly be in a position to contest the election with every prospect of success.

General Bartlett, of Massachusetts, has just written an excellent letter full of good sense and right feeling, and full, too, if we are not mistaken, of that political sense which is not always found in union either with good sense or with right feeling. It had been said that General Bartlett was going to Philadelphia as a Grant delegate and his letter he writes for the purpose of saying that he is not going to Philadelphia, that he is opposed to General Grant's re-election, that his eyes are turned towards Cincinnati, and that he hopes for the nomination of Mr. Charles Francis Adams, and expects that gentleman's election if the Liberal Reform party should place him before the country. All this General Bartlett says, not only in a straightforward soldierly way that is quite taking, but also with a happiness of political phraseology which ought to shake the soul of Dr. Loring within him. It must be sufficiently alarming to chronic candidates for the Governorship to find a young soldier who can turn out such a campaign "war cry" as the statement that he believes in "Administrations which are above suspicion, and not in Administrations which are above investigation."

The most important incident of the week in Congress, except the attack on civil-service reform, has been the split in the Committee of Ways and Means, the free-trade majority of which, after four months' labor, produced a bill which the chairman, Mr. Dawes, cannot approve of, and he has accordingly suffered something in the nature of deposition. The new bill adds to the free list, and makes divers serious reductions in duty; that on pig-iron, for instance, is reduced from \$7 to \$6. The duties on wool, woollens, and cotton goods are all reduced, but as there is no chance whatever that the bill will pass, it is interesting merely as an indication of the drift of sentiment in the House, and as an illustration of the trouble which surrounds the tariff. The protectionists are very angry with Mr. Blaine, who appointed the committee.

The vote of \$50,000 for the expenses of the Civil-Service Commission came up in the House last week, and, after a short debate, in which it was fiercely denounced by the friends of the Administration as a "humbug" and "the greatest humbug" of the age, the appropriation was contemptuously cut down to \$10,000, the whole performance being accompanied with loud laudations of General Grant and professions of zeal for his service, by a majority of 92 to 59. Revenue reform was also vigorously denounced in the course of the debate as another "humbug." General Butler moved to strike out even the \$10,000, but afterwards repented. "Reform inside the party lines" is evidently no easy work. It apparently has about as hard a time as "liberal views" had in the last Ecumenical Council. The political infallibilists are evidently as stern and unrelenting as the ecclesiastical ones.

The *Sun* broke down in its charges against Mr. Robeson, but that does not make it any the less true that Mr. Robeson has committed a violation of the law in disposing of the public money, which would deserve the severest punishment, if the Republican majority

in Congress had not deliberately condoned last fall a disregard of the law on Mr. Boutwell's part still more serious; and the two cases together furnish a striking illustration of the state of mind into which the officers of the Government have got with regard to the law, and of the necessity for some upturning which shall crush this growing tendency to arbitrary and insubordinate conduct. The fact is that certain contractors named Secor, who had built vessels for the Government during the war, pleaded that, owing to the rise in prices, they had lost money by it. This was a wrong which only Congress could right; so a bill was passed directing an enquiry by a board of officers. This board awarded the contractor \$115,000 additional, which Congress appropriated and directed to be paid. But the Secors came again, and said to Secretary Robeson that this was not enough, so he, without any authority of Congress, appointed another board of his own subordinates, which awarded the Secors \$93,000 more, and this he paid, without any appropriation whatever, or any warrant of law.

The Administration managers in Pennsylvania certainly seem to have been smitten with blindness, and to have offered the decency of the State so flat and insulting a defiance as will make it absolutely impossible for Pennsylvania to be carried by the Administration Republicans either in October or November, unless there is great "breaking of slates," and indeed, in our belief, the State can nohow be carried for the Republicans. We cannot conceive what they have been thinking of, but it seems as if it must be true that the State ticket was dictated from Washington, where people do not know the rapidity with which public sentiment outside has changed within the last month; or else as if it must be true that Pennsylvania is helplessly bound, hand and foot, by railroad rings that are more nearly omnipotent than the country has ever yet believed. The State ticket is on all hands denounced as one not fit to be made, and many Republican organs are urging the people to repudiate the action of the Convention, and elect their own delegates to the Philadelphia Convention. We have advices pointing to the gubernatorial nomination of McClure as a Liberal Republican; but nothing seems very definite, and it is difficult to believe in a Democratic break-up in the face of nominations like those of Hartranft and Allen, while the Democracy have men like Cass and Buckalew to nominate, and Liberal Republicans like Hickman and Lowery, and the Reformers in Philadelphia stand ready to destroy the Hartranft and Cameron Republicans, as years ago they abandoned the Democracy. Hardly anywhere else in the Union is there a livelier picture of the transition state of politics than Pennsylvania presents. The Republican party there, diseased, confused, without a policy, wretchedly corrupt, the prey of rings and political rascals, seems to want but the *coup de grace*. A party approaches its end when men such as McClure and Forney can figure in it as reformers; we only hope the finishing stroke may be given it by men who will head an assault in which the McClures and Fentons and Curtins are to be found in the rear, and taking instead of giving orders.

The Florida trouble is becoming more complicated and amusing. Reed, the Governor, was impeached before the Senate on the 10th of February, and by the constitution he was thereupon *ipso facto* suspended from office, and the executive authority lodged in the hands of Day, the Lieutenant-Governor. But the Senate adjourned without trying the impeachment, and this, Reed now maintains, operated as a discharge, and, getting the Secretary of State on his side, he launched a proclamation fortified with "the great seal," declaring Day a usurper, and claiming the allegiance of all good citizens for himself. Two, however, can play at this game. So Day has got out another proclamation, which is as good as Reed's, but of course wants "the great seal," a fact which he evidently feels bitterly, and says Reed got it for his proclamation through the perfidy of the Secretary of State. We should think that, under the circumstances, Reed would be justified in using any big seal he could find, but he contents himself by stating, "in lieu of a seal," that "the

same has been secreted or stolen." Fears are entertained that the two rivals may have a fight, and it will be a knotty point for the President to decide which is entitled to Federal assistance.

The brief history of the Mormon troubles now just brought to an end by a decision of Chief-Justice Chase's, appears to be pretty much as follows. A year or so ago, Dr. J. P. Newman, a Methodist clergyman of Washington City, went out to Utah, on the profitable errand of having a grand discussion of polygamy and its Biblical warranty, he to be on one side with his more or less profound erudition, and such eminent Hebraists as Pratt and Orson Hyde on the other. Whatever else this valuable conference accomplished, it determined Dr. Newman to encourage a crusade against the Mormons, and to this end he instigated the President to authorize their prosecution and to pursue them by all means available, and, as now appears from the Chief-Justice's decision, by means as illegal and regardless of law as any that could well be thought of. The principal instrument of this prosecution was Judge McKean, an enthusiastic Methodist, who went out to Utah not to do his work as a judge, but to root wickedness out of the land and crusade against polygamy. He is ignorant of law, somewhat feather-headed, and as much out of place in a court of justice where he sat on the bench delivering stump speeches as any man well could be anywhere in the world. Judge McKean perceived that he could do nothing unless he could erect his Territorial court into a United States Court, and this he proceeded to do. Why he did not declare himself to be the Federal Executive and Legislature, and proceed to levy troops and make war upon the Territorial government, is to be explained by prudential reasons, we suppose; as for color of law, he had as good right to do that as he had to do what he did. The law, as again and again enounced by the Supreme Court, is that such courts as his are not United States courts, except for certain specific purposes, and that they never can be United States courts for the enforcement of a Territorial statute, which is in no sense a law of Congress, and which a Territorial court must enforce. It must enforce it, too, by means of its own Territorial officers. What McKean did was to make his court a United States court when it was not; to enforce in it Territorial statutes which, had his court really been a United States court, would have had no place in it; to mix with these laws of Congress; and for executing the processes of this hybrid tribunal, to use not constables and sheriffs of the Territory, but United States marshals, and this because by their assistance grand and petty jurors pledged to indictment and conviction could be secured.

All this was done not in a corner, but against the reiterated appeals of the United States District Attorney, who insisted upon the foolish and lawless violence of the whole proceeding. It was done, nevertheless, till now the Chief-Justice brings McKean up with a very round turn, declaring that for a twelvemonth past the Territorial court has been committing monstrous judicial usurpations and trampling on law. This decision will at once release 138 persons from illegal arrest or imprisonment. The position was a delicate one for the Administration. It was indeed between the devil and the deep sea. On the one hand, it had to adopt and sanction the grossest illegality; on the other, it had to offend—or fancied it had to offend—the Methodist denomination, which it appears to have paid the compliment of presuming to be less regardful of the authority of the law than most of the Methodists' fellow-citizens suppose them. The Chief-Justice has relieved it from this embarrassment, for Dr. Newman himself will not now ask the President to go on further in Judge McKean's direction. Meantime, the Mormons, to whom all this futile harrying has attracted a sort of sympathy which is not their due, have formed a State Government, though they probably have not more than three-fourths of the requisite number of inhabitants to make even one of our absurdly small Far Western State populations, and have elected as prospective Senators Mr. Hooper, long their delegate, a monogamous and otherwise respectable person, and the Hon. Thomas Fitch, a person such as is apt to be sent up as first Senator from newly-formed States.

The *World* desires to know why, if, as we say, Continental jurists treat the consequential damages claim as preposterous and outrageous, we object to their submission to the Geneva Commission, as in that case they are sure to be rejected. We object to the submission of the claim, and hope England will not agree to it, because we do not wish it to pass into history that the United States ever laid anything so absurd before a respectable tribunal. We prefer that it should be said that the Treaty was killed by the blunder of one enterprising gentleman, and that the two Governments had to begin over again; we object to it, also, because we do not wish to see even as much recognition as would be contained in the submission of the claim given to the theory that the escape of a belligerent cruiser from a neutral port made the neutral liable for the cost of the subsequent military operations of the war. It would be certainly revived, no matter how the Commission passed upon it, and would be a standing menace to all small or unarmed powers in the hands of great ones; and, thirdly, we fear that, if the first great attempt at international arbitration is allowed to contain a strong element of the farcical and ridiculous, the whole principle will fall into disrepute. The great military states are already laughing over it; their laughter would become uncontrollable when Mr. Bancroft Davis rose to prove, as self-respect would compel him to do, that Lee would have disbanded his forces after Gettysburg if he had not heard that the *Alabama* was at sea, with two guns and a crew of one hundred and twenty men.

We believe, also, that it would be fatal to the principle of arbitration, if it were once established as a precedent that anything could be submitted to the arbitrators except what the parties agreed to submit—if, in short, the impression got abroad that there was a danger that the Boards of Arbitration would be converted into courts of general jurisdiction, before which any power could cite any other power on any charge it pleased. The world is not yet prepared for any such tribunal, and we doubt if it ever will be. To make international arbitration succeed, the jurisdiction of the arbitrators must be confined to points which the parties concur in presenting, and not points which either party would like to present, or thinks, for some reason or other, ought to be presented. In short, the object of the Treaty of Washington was really to settle what the American "case" should contain by way of claim; and, therefore, all talk of "not submitting to British dictation as to what our case should contain" shows either ignorance of the whole matter or a want of comprehension of the nature of the process called arbitration. The latest news from England shows that the ministry have filed the English replication in due course, with a statement which leaves no doubt that they will withdraw if the Commission is asked to pass on the claim for consequential damages. In this country there are visible signs of a disposition on the part of the Administration to drop these claims. We should be sorry to see this mark of good sense made the occasion of a party triumph over them. A resolution looking in this direction was brought into the House last week, and the organ of the Administration in this city makes a suggestion of the same nature.

One of the strangest bits of news which has come from Europe since the overthrow of the French Empire is that the Austrian Empire is paying its way—that is, that its revenue equals its expenditure, including the interest on its debt. The Minister of Finance had last year calculated on a deficit of \$15,000,000, and asked for permission to issue \$30,000,000 bonds to meet it; but it has turned out that there is no deficit at all, that the bonds will not have to be issued, and that, indeed, there are signs of a surplus. In spite of all the disorders, convulsions, and dissensions of the last four years, the revenue has been steadily increasing at the rate of about nine per cent. a year. Such are the effects of publicity and freedom, even if it is tumultuous freedom, on popular energy and national wealth!

THOSE JUDGES.

THE Bar Association has completed its labors in the matter of the prosecution of the corrupt judges, in so far as the presentation of the evidence in the preliminary enquiry before the Investigating Committee goes, and have published a summing-up through the newspapers. Judge Barnard has also made and published a protest, in which he denies the right of the Legislature to remove him by concurrent resolution without trial, or to take cognizance of any charges against him arising out of acts committed, or alleged to have been committed, before his last election in 1868. The evidence in full will, we believe, be laid before the public in a week, or thereabouts, and we think we can say with safety that nothing like it has ever been laid before a civilized community before. Whether the Legislature can punish Barnard for misconduct occurring before 1868 is a point of some interest, even if it possesses no legal importance, and his raising it shows a very shrewd appreciation of the wide prevalence, and increasing prevalence, in the public mind of what we may call a low estimate of the importance of character, either in officers or individuals. It is, in fact, this indifference to a man's general course in which Barnard and Cardozo, and all their kind, find their greatest security against justice. Even the Bar Association has, in an incautious moment, given some countenance to the practice of taking short and disconnected views of men's careers in Mr. D. D. Field's case. That gentleman, a member of the Association, was charged in proper form before them with various acts of professional misconduct, and he challenged investigation, and the case was referred to the proper committee. It has, however, never since been heard of, owing—if we are rightly informed, and we think we are—to the fact that the committee concluded that inasmuch as the acts complained of were committed, if committed, before 1869—that is, before the formation of the Association—the organization could take no cognizance of them two years later. Now, the object of the enquiry was not to find out whether Mr. Field had committed certain acts, and, if he had, to punish him for them specifically—for the Association had no such power—but to find out whether he was a fit person to belong to an organization having for its *raison d'être* the purification of professional morals; and of course it ought not, on any view of human character ever propounded, to make any perceptible difference in one's estimate of a lawyer's fitness for the membership of any such body whether he committed certain offences in 1867, '68, or '69. Nothing would suit all the great body of evil-livers better, and nothing more surely break down all moral restraints on them, than the adoption by the public of short statutes of limitation under which every one could "make a fresh start" every year or two.

Judge Barnard is now trying to take advantage of this same tendency. He was re-elected in 1868 by a community which was in a great measure ignorant of his real character. It is true he was somewhat abused by the newspapers, and lawyers talked in private over his iniquities, but nobody had risen up to make distinct charges against him, and the great mass of the voters knew of nothing positive against him. If, however, he committed in 1867 acts of gross corruption and indecency, it is proof enough to all reasonable men that he is unfit to administer justice in 1872, unless it can be shown that his character has in the interval undergone a complete transformation, such, indeed, as it is very doubtful if anybody's character ever underwent, and the existence of which has never yet been proved except by many years of probation. If Barnard, between the years 1860 and 1863, was guilty of doing what the Bar Association says he did, and offers proof that he did—granting orders unknown to the law, entering into corrupt leagues with counsellors and suitors for the denial of justice, the perpetration of fraud, and the spoliation of property-holders, using indecent and obscene language on the bench and boasting of it afterwards, and during that period causing, by his violence and unscrupulousness, great loss and damage to the citizens of New York, and indirectly great depreciation in American securities, he is still unworthy of a judicial position—first, because there is no reason for believing that he is any

better now than he was in 1868, and a good deal of reason for thinking he is worse; and, secondly, because even if he is better, people cannot be got to believe that he is. This last point is constantly overlooked in estimating a judge's qualifications. People talk as if a judge's misconduct only affected those who came into court, and as if, if nothing positive could be proved against him, nobody had any right to complain of him. But this is a most mischievous delusion. Every judge on the bench owes it to every man in the community not only to do justice but to bear a good reputation; that is, he has not only to be pure, but he has to conduct himself in such fashion that there shall be a general belief in his purity. If he so conducts himself as to expose himself to general suspicion, we are entitled to his removal, because the value of every man's property and earnings depends in some degree on the general confidence in the integrity of the courts. If judges are generally believed to be rascals, all stocks and bonds and real estate and commodities of all sorts within their jurisdiction, and through these things the wages of all labor, are depreciated under the influence of this belief in a greater or less degree. It is not for the service of actual litigants only that judges exist, but for the protection, peace, and security of every man who has rights which may at any time become the subject of litigation; and for the purposes of judicial reputation, it makes little difference whether the judge took bribes in October, 1868, or in January, 1869.

The importance of these considerations will appear all the more plainly if we call to mind the fact that what is called "equity" in our jurisprudence, and which all our judges are now empowered to administer, is emphatically a system which depends for all its value on the character of the judge, and it has grown up here and in England on the assumption that judges will always be men of the highest character. Under it judges are armed with literally tremendous powers. It gives single judges a discretion in dealing with men's property and liberty which is unknown at common law, where justice is in the main administered by juries, or by the full bench of judges, and which nobody dreams of committing to any other class of functionaries. The Court of Chancery in which the system was created has in five or six centuries had its scandals in the way of delay and expense, but, if we remember rightly, Bacon's case was the only one in which the integrity of its judges was ever assailed by a breath of suspicion; and his fault has come down in history, though it was never shown that it amounted to positive corruption, as an example of human weakness and folly over which men still shudder. He took presents from suitors, but he never sold justice; and yet, great, famous, and learned as he was, his downfall was sudden, complete, and frightful. Men felt instinctively, and they ought to feel still, that a court of conscience, such as a court of equity is, into which the property of widows and orphans is carried by guardians and trustees, in which property in dispute is locked up for safe keeping till the dispute is over, in which men seek for those exact, wise, and perfect remedies for wrong which abstract justice marks out, but which the barbarian plan of pecuniary compensation does not supply, is a court over which even the slightest cloud cannot be permitted to rest. We venture to say that it had not entered the head of any human being till about ten years ago that these vast powers which this system lodges in the judge's hands, would ever in a Christian community come to be used simply as instruments to enable depraved cheats and rowdies to enrich themselves and their companions; that the "master," or referee, whose function it is to inform the conscience of the court as to the facts, would be converted into a common "pal" of the judge, and that the two would combine to extort money from suitors and share it between them; that the "receiver," whose function it is to take solemnly into safe custody funds or effects whose ownership is in controversy, so that nothing may be lost till the question is settled, would become a sort of footpad or burglar, carrying a judge's order of appointment like a "sand-bag" or a "jimmy" or a false key, and prowling round houses and offices in search of plunder; that an "injunction," which is intended to restrain a man from the doing of what may to

some one else turn out to be an irretrievable wrong till his right to do it has been judicially ascertained, would be used as a gag or handcuff to keep honest people from crying out or resisting while thieves were rifling their safes. And yet this has come to pass in this State. If anybody doubts it, let him read the evidence taken before the Investigating Committee. Yet the miserable men who have brought it about have not run away; have not resigned; have not ceased to appear on the bench; and one of them has even put in the plea that if he did it at all he did much of it four years ago, and that that part of it ought not to affect his credit. Was ever impudence like this? Does not the very spreading of such a plea before the public, with a preface and commendation signed by two leading lawyers, give us a glimpse of depths of degradation such as civilized men have rarely looked down into?

What heightens the effect of this spectacle is that it is gravely doubted still, first, whether the committee can be got to report in favor of impeachment, and, secondly, whether the Assembly can be got to impeach, not because they think there is nothing against these judges, but because some members think that, unless you can prove that a judge sold his decision for cash down, and can trace the money into his pocket, you have nothing against him. In other words, we are almost told that, as long as a judge is successful in destroying proof of bribery in money, he may be what he pleases. This is worth notice as an illustration of the danger, in a community in which the righting of wrongs and the remedy for all abuses has after all to be sought in public opinion, of letting things get very bad before you go to work to improve them. The mere familiarity with abuses blunts the perceptions on which we have to rely for reform, and when we think the time has come to begin the good work, we find that people are in doubt whether there is really anything wrong. In other words, we find the fulcrum for our lever is gone. After having endured the spectacle of an indecent and corrupt rowdy on the bench for twelve years, we find that men have begun to believe that indecency is not punishable, and that corruption consists only in the receipt of pecuniary bribes, and that even this is not reprehensible in law, unless somebody has seen the money paid. It is this state of the public mind that is the serious feature in the present crisis. The existence of thieves and robbers and rowdies among us is nothing. They can vex a community much, but they cannot mar it. The pistol and halter can, at worst, always remedy wrongs of their making. What is gravest in our condition is the rarity of honest indignation, the sneaking dread which decent men feel of looking a scoundrel in the eye or taking him by the throat, and, worst of all, the sickly and resigned amusement with which we watch the basest and meanest men masquerading in robes of office.

THE REQUIREMENTS OF THE PRESIDENCY.

IN thinking of America, it is our habit rather to look forward than to look back. Ever since the close of our almost forgotten civil war we have been so accustomed to the knowledge of our prestige and importance, that we think with some surprise of what very little consequence we were at a period easily within the memory of living men. For the first thirty years after the Revolution we were a halcyon little dominion, nestling along the rim of the great unknown continent beyond us—a cool pastoral spot upon which the eyes of tired Europeans sometimes found it pleasant to rest. From a Utopia and a theme for the poets, as we grew, we became the aversion of Europe, which knew us as hard, ugly, bald, and commonplace, but still as insignificant. Forty years have gone, and we are as great physically, and morally as influential, as any country in the world, with the prestige of a future absolutely dazzling. These Atlantic States, in Jackson's time, were nearly all there was of America; they are now, as some one has said, but the "hem on the garment of the West." As we double in extent and numbers, we multiply infinitely the requirements of civilization and our demands upon the thought and attention of our rulers. Forty years ago, the office-seekers had to take a week to get to Washington; a deputation of

them can now go and return in twenty-four hours. The country is cut up with innumerable railways and telegraph lines; men all over the land are in hourly communication with each other and with the capital, and in hourly communication with all parts of the world. Our Minister at St. Petersburg, in a cipher telegram, asks for instructions in his interview with Gortchakoff on the following day. Now, to a certain extent, we have it in our power to keep pace with these enormous advances. We may multiply departments, and departments may multiply bureaus. We may make the Commissioner of Patents or the Commissioner of Internal Revenue a cabinet minister. But during all this time, in the great changes which have become necessary, and the still greater ones that will be necessary, we can have only one President, and he can be no older, no stronger, no taller, and in all likelihood no wiser than the simple potentate who ruled the little pristine republic of fifty years ago. According to Lincoln's estimate, we are to have in 1900 a population of 100,000,000. There will be more railways, more telegraphs, more cipher despatches from ministers abroad, more offices, more claims, more complaints, and in place of the fourteen investigating committees now in progress, say twice that number. During all this time we shall continue to have but one President. Of course, nobody can be altogether adequate to the position, and we must put up with the best man we can get.

While the President has much less time than formerly to spare from his imperative duties, the accidental demands upon him are infinitely greater. The day begins at the White House by his explaining to a deputation with whom he has an appointment, that it is the intention of our Government to co-operate with that of Great Britain for the suppression of piracy in the Chinese seas, and the protection of the Christian converts in Japan against the persecutions of the Mikado. A few Sioux warriors are introduced by some members of the Society of Friends. Several New York whiskey-dealers desire an interview, but yield to a deputation of gentlemen who call with reference to the insertion in the Constitution of some recognition of the existence of the Deity. Permission is asked for leave of absence for our Minister at Madrid in order that he may effect the overthrow of the Gould influence in the Erie Railway, in which worthy object it is right that the President shall be interested. The English Minister calls to announce the birth of a princess, and is succeeded by some gentlemen who urge that the Government shall demand the release of the Fenian prisoners from "British dungeons." The President must then excuse himself to confer with the Secretary of the Treasury about the abolition of the duties on tea and coffee, and to indite a message recommending better provisions for education at the South.

We have long been familiar with the fact that, in this country, any man of respectable position is supposed to be able to do anything. It would be a delicate matter to insinuate to one of our able Sanskrit or Syriac scholars that he was not the fittest person in the Union to command an expedition for the recovery of the remains of Sir John Franklin. We have applied this notion to no position in the country more constantly than to that of the Presidency. Of course, a President cannot be politician, soldier, diplomatist, and financier; but it is plain that he should, if possible, be a man of affairs. It is the experience of every man that at every stage of his existence he has always done something which he would not do had he that time to live over. A man who undertakes any task of importance, and whose previous training has not been in the same line, is apt to do a great many such things. Mr. Kramer, the Minister at Copenhagen, will not again venture to read a letter from the State Department reflecting upon a servant of another country, at a dinner-table where a minister of that country is present. Mr. Kramer's extraordinary blunder, however harmless it may prove to be, was a very bad one for an envoy to make; but it was not so bad for Mr. Kramer when we consider that that gentleman had never learned his trade, and had not been trained in any calling the habits of which would help him in such a career as diplomacy. Everybody will make mistakes, but they should be made and corrected when men

are young and in unimportant positions. To a man who has been long in any line of occupation, its traditions and habits come by-and-by to be instincts. In such a man there is a professional conscience quite apart from his personal conscience. There is a doctor's conscience and a lawyer's conscience. Clerks under government get to have an official conscience, the depth of which no man unaccustomed to their habits can understand. We have known men who could comfortably break the Decalogue in half a dozen places, and yet would cover themselves with sackcloth over an error in indexing or over a red line drawn in the wrong place. And this professional conscience is of great use; other men have to think and consider, while the possessor of this faculty goes straight to the point as by instinct. It is within the power of any one of our forty million people to have a claim against the Government, and to present his claim if he can pay his way to Washington. A man trained to affairs, the moment such a question is mooted, will bring to bear upon it the conscience bred of habit, and will go straight to the truth; while another, equally able, who is possessed of no such advantage, will be compelled to grope painfully about for an *a priori* solution of a matter upon which custom alone is competent to decide. Men, as we have said, must make mistakes, but they should be made at thirty rather than at fifty. No government can afford to furnish people with practical educations as ministers or judges or generals.

The Presidency is not the proper school in which to teach a man how to transact business. No man who has not acquired a knowledge of affairs before he reaches the age at which the Presidency is usually attainable is ever likely to acquire it afterwards. A knowledge of the tricks of electioneering he may acquire, just as any man may acquire a knowledge of battalion drill; but that familiarity with the principles and machinery of government and with the vast and complex interests of a great commercial society which a President needs, can hardly be acquired in less than a lifetime. To say this is to say that there is something absurd in the plea that if a President is honest he is all right. His personal honesty is comparatively a small matter, and it daily becomes smaller if his habits, pursuits, and experience do not give him an all but intuitive knowledge of the various ways in which frauds may be perpetrated, and do not enable him to see at a glance what it is a rogue is driving at. We have got to a pass in our history at which the most honest of Presidents, if he be honest only, may be every day made the pliable and unconscious tool of knaves. Let us add, too, that no man who is not a man of affairs and of education, can retain very long in the Presidential chair in our time, let him be never so honest, a very hearty horror of knavery. The means by which knavery is disguised, the dexterity of knaves in obscuring the line at which a transaction passes from the doubtful into the thieving phase, are matters which only practical eyes can discover, and no man can ever war stoutly and persistently against what he does not see clearly, and for what he does not hold tenaciously. No President will ever be a real friend of civil-service reform whose resolution a Murphy or a Forney has wit enough to "sickly o'er" with doubt or hesitation.

TROCHU'S LIBEL SUIT.

PARIS, March 29, 1872.

GENERAL TROCHU, the governor of Paris during the siege, has instituted an action for libel against a daily paper called the *Figaro*. The trial began on the 27th of March, and it has assumed quite an historical character. It is held in the court of assizes of the Palais de Justice. The court is made up of five *conseillers*, as they are called, one of whom presides. Even in a case of libel there is a public prosecutor, which seems rather useless, as the counsel of General Trochu would have been sufficient, and the general interests of society are not in question. But the public prosecutor is all-powerful in the French courts. The defendants have three advocates, Lachaud, Grandperret, and Mathieu. MM. de Villemessant and Vitu, the defendants, sit on a bench before their advocates, and Trochu, with his advocate and his *avoué* (a sort of solicitor), is placed before the court. Trochu has been allowed to bring with him four stenographers. When the

court has appeared, and twelve jurors have been drawn and instructed in their duties by the president, the writ of the court of the *mises en accusation* is read. This act calls Villemessant and Vitu before the court of assizes on a charge of libel, and it contains all the passages of the *Figaro* which have been found libellous. The passages are too long to be extracted in full; the general impression which the writer of the articles wished to convey was this, that Trochu, having promised to defend the Empress and her government against any revolutionary movement, entered into a plot with the radical Left of the Corps Législatif, and abandoned and betrayed the Empress on the 4th of September. You will see how far this impression is corroborated or weakened by the evidence.

The defendants were first examined. Villemessant is the editor of the *Figaro*, which is perhaps the most popular paper in Paris. It is not the most respectable, and is decidedly sensational, satirical, anecdotic, and this very often at the expense of the truth. He was, he said, at Nice when the articles against Trochu were published under the name of "The Accounts of the 4th September." He never was a Bonapartist, and was even several times prosecuted under the Empire; but he confesses that he was disgusted with the conduct of Trochu towards the Empress simply as a woman, and when he read the articles against him he drank milk (*j'ai bu du lait*)—a popular expression for the sensation of a great pleasure. There was nothing worth mentioning in the depositions of Vitu, the author of the articles, a writer in the official press of the Empire, or of Trochu. General de Palikao was the last Minister of War of the Empire. He told how he had given the command of the twelfth corps to Trochu, though he knew him to be unfriendly to the Empire. This twelfth corps was at the camp of Châlons. Trochu soon returned from Châlons with an order from the Emperor naming him Governor of Paris. Chevreau, the Minister of the Interior, asked him, in the name of the Empress, to sign the decree of the Emperor. The relations of Trochu and Palikao were bad. Trochu had brought back to Paris 12,000 Mobs of Paris, who had a very revolutionary spirit, and who had insulted Marshal Canrobert in the camp; he had not notified the Minister of War of their return. Trochu sometimes assisted at the Cabinet Council. He once made a proclamation to the Parisians, in which he spoke much of moral force. Rouher said that moral force was good, but armed force was sometimes necessary. "What would you do, general, if there was an *émeute*?" "I would die," said Trochu, "to keep the government whole." We all thanked him, says Palikao. On the 4th of September Palikao went out, the last of the Corps Législatif. When he arrived at the Tuileries the Empress was gone. He went home, and was very much overcome, as he had just heard the news of his only son's death at Sedan. Trochu entered his room at five, and told him: "I come to take your place." Palikao did not know what was going on outside; he only understood that Trochu was at the head of a new government; and it seemed to him "more than extraordinary" that the head of this government was the man who, in the morning, was Imperial Commander of Paris.

Henri Chevreau, the last Minister of the Interior of the Empire, is still a young-looking man of forty-eight years. He received Trochu in the evening of the 17th August, who handed him the decree of the Emperor naming him Governor of Paris. Trochu insisted that the decree should appear in the next morning's *Moniteur Officiel*, without waiting for a Cabinet Council. Chevreau went with Trochu to the Tuileries at one in the morning; the Empress got up, and there was a long conversation. The Empress finally gave her consent, and the decree appeared in the morning. In the interview, Trochu had protested his devotion to the cause of the Empress. On the day of the capitulation of Sedan, Chevreau first received the news, and communicated it to the Empress, who asked him at once to convoke the council. He then went after Trochu, whom he found just alighting from his horse. I announced to him the disaster. He seemed not surprised. I added that I had left the Empress in a great agitation; that she had been wounded as a sovereign, as a wife, and as a mother. "General, go and see her." Trochu said that he was tired; he was just from the fortifications; he had not dined; he would call perhaps in the evening. He never came that evening. On the 4th of September, in the morning, the Empress and Trochu were alone together for half an hour, at eight o'clock. One of the counsel asked Chevreau if he never asked the Empress what was said in this interview. "When her Majesty came to the council," answered he, "I bent over her chair, and said simply the words: 'Eh bien, Madame!' Her Majesty lifted her eyes towards me, and made me a sign, which gave me to understand that she had little confidence in the protestations which had been made to her."

M. Magne, the Minister of Finance of the Palikao Cabinet, says he once heard the Empress say, at the council, after Trochu had expressed very gloomy views on the situation: "I will go myself to the ramparts, and I will show the Prussians how a woman can brave danger for the country." The General answered: "I have only one way to prove my devotion; it is to die

for the salvation of your Majesty and of her dynasty." Trochu did not die, however, and the Empress never went to the ramparts; but such conversations give one a singular idea of the last cabinet councils of the Empire. Phraseology had taken the place of business. Trochu seems to have said many times that he was ready to die: "Je me ferai tuer" was his answer to all questions.

The deposition of M. Rouher was curious; he had evidently never much confidence in Trochu, though he had heard him express very loyal sentiments. "There had been numerous gatherings about the Corps Législatif; we asked him to take precautions in order to protect the representatives of the nation. He answered by glittering generalities. I became more pressing, and he then turned toward the Empress and said to her: 'Since an explanation is asked from a French general, I answer that *je me ferai tuer* for the Empress Regent and for her dynasty.'" Rouher also says that the Empress, at Chiselhurst, said to him, in speaking of Trochu: "I counted on him, as a few days before the 4th of September, he came to the Tuileries and told me privately: 'Madame, if your police is efficient, you must know that I am in relation with the members of the opposition. It is my duty to know the state of opinion, to feel its pulse; but your Majesty cannot doubt of my devotion. My devotion belongs to her on a triple ground. I am a soldier, a Catholic, and a Breton.' This is what her Majesty has told me in exile."

From all the evidence, it appears that Trochu accepted the command of Paris when he had no hope of defending it, the defence of the Empress when he had no sympathy for her and no belief in the continuation of the Empire. M. de Cossé-Brissac, a chamberlain of the Empress, reports that on the 7th of August he had a conversation with Trochu on the war, and with Jurien La Gravière, the admiral. Trochu was very gloomy: "I have reserved myself before posterity. I do not know what is in waiting for me. I see before me the salinages of Marshal Marmont and of General Dupont. I have recorded my predictions in my will, which is deposited with M. Ducloux, the notary. I have not made this will for my fortune, as I have only one hundred francs of revenue and eleven children." Trochu, during the siege, in one of his numerous proclamations once referred to this will. There seems to be something of illuminism in Trochu's character; he certainly, from the first day of the war, anticipated nothing but disaster; he spoke of capitulations when the idea of capitulation had not entered any French mind. But if at the very beginning of the siege he knew that there was no hope, why did he say pompously, "The Governor of Paris will never capitulate"? If he had felt nothing but enmity for the Empress, why did he always speak of dying for her?

Marshal MacMahon made a deposition which has historical importance; he completely exonerates the Emperor from any participation in the management of the war after the 16th of August, at eleven o'clock in the morning. "From that hour," said he, "I take all the responsibility on myself; and I give for this assertion my word as a gentleman and a marshal of France." Why MacMahon is so anxious to exonerate the Emperor from the responsibility of the operations which led the army from Châlons to Sedan, it is difficult to say. The responsibility of the Marshal ceased, however, at Sedan, when he was wounded and obliged to abandon the command, and the capitulation of Sedan was the work of the Emperor himself. MacMahon is not a politician; as his wife is a Castries, he has Legitimist affinities, and passes for a Legitimist; but he has certainly shown in his depositions in the Trochu trial and in the parliamentary inquest a curious anxiety to screen Napoleon III. and to make him appear as innocent as possible of the unfortunate results of the war.

General Changarnier, who is now seventy-eight years old, and who remained at Metz as a volunteer during the siege of Metz, also appeared in the Trochu trial. The *Figaro* had attributed to Changarnier this judgment of Trochu, "He is Tartufe with the helmet of Mangin" (Mangin was a famous charlatan in Paris, who used to sell pencils in the streets, attired as a Roman warrior). Changarnier, of course, refused to answer the questions of Villemessant's counsel on this point. The only deposition worthy of note after his is that of Admiral Jurien La Gravière, which proves that on the 17th of August the Empress thought of recalling the Princes of Orleans and of giving them commands in the army. The ministers all opposed the scheme. The case is not yet concluded; but, so far, the Empress is perhaps the person who comes best out of it; she seems to have been more patriotic than the men about her. The ministers were all incompetent, Palikao like the others; they lost their presence of mind; they were all in mortal fear of Trochu. As for Trochu, he did nothing; he did not plot with the Left, though he saw many members of it, especially Picard; after Sedan, the revolution, as it were, made itself; Trochu simply went to the Hôtel de Ville "pour faire le Lamartine," as he said himself, and in order to maintain the tricolor flag in the face of the enemy.

NOTES FROM BERLIN.

BERLIN, March 28, 1872.

WE have taken another step forward in the adoption of the *Kreis-Ordnung* by a vote of 257 to 61 in the House of Deputies. This was a logical sequence of the new school-law, and belongs to the system of administrative reform upon which Prince Bismarck has entered, and which will give to Prussia that moral preponderance in the affairs of Germany without which her military ascendancy would be of little avail. This new order is a blow at bureaucracy in the country districts, the stronghold of the aristocracy; and as the liberal leader, Herr Lasker, said, it will test the question whether there exists in Prussia a genuine and practical aristocracy which shall attain to power through merit and not merely by position. The strength of the majority for the bill, and the union of Liberals, Conservatives, and even some of the Centre, upon this measure, give more than the point of wit to the now current song:

"O Bismarck, wenn es dir gefällt,
So muss ja doch die ganze Welt
Nach deiner Hefke tanzen!"

Political society in Prussia is built first of all upon the *Gemeinde*, which is a group of neighboring families associated both territorially and ecclesiastically as a parish. In the country districts, the *Gemeinde* commonly has a *Dorf* or village as its centre, though the two are not strictly to be identified. Above the *Gemeinde* is the *Kreis*, a district or county embracing several contiguous parishes, and having its capital city. Above this again is the *Bezirk*, or now, more exactly, *Regierungs-Bezirk*, which comprehends within its circuit several *Kreise*, and has its higher magistracy and court of appeals; and then over all—*Gemeinde*, *Kreis*, *Bezirk*—is the *Provinz*, with its Ober-President, who derives his authority from the crown.

Like everything in Prussia, the constitution and government of the *Kreis* has been so set round with local usages and traditions, or hedged about with hereditary prerogatives, that uniformity of administration was impossible; and to comprehend the laws and customs of a single *Kreis*, much more of a *Bezirk*, was a task as severe as that of codifying the acts of the New York Legislature. The *Kreis* has important powers and duties, both civil and military: it appoints a police, collects taxes, oversees the roads, tillage, drainage, etc., looks after the schools, and enforces the recruiting of the army. Hence its executive officers require to be men of intelligence, diligence, patriotism, and integrity. Hitherto the Landrath or Executive Council has been selected by the Government from candidates chosen by a limited number of property-owners in the district; and the tendency has been to throw this great local power into the hands of the nobility and the large landed proprietors, to the prejudice alike of the peasantry and of the small owners in the towns. The Landrath had come to be what is here called a "green-table" government, answering somewhat to an American Ring in its political exclusiveness and self-interest, though not chargeable with the financial rapacity of that peculiar republican institution.

The complications growing out of this system are so many and so serious, that a reform must be gradual in order that it may be at once safe and successful. The new bill is too long and too minute to be given here even in the form of an analysis; but its general drift is to enlarge greatly the basis of representation for the *Kreistag*, or district assembly, and to equalize the government more fairly between town and country and large and small owners. In a word, it will tend to develop the principle and to form the habit of local self-government, which is at once the foundation of liberty and the conservation of order in the state. The new law also makes the *Kreis* administration uniform in the provinces of Prussen, Brandenburg, Pommern, Posen, Schlesien, and Sachsen.

The Liberals would gladly have gone much further in the line of self-government; but they were obliged to compromise with vested interests and with the prejudices of usage and tradition. Three points, however, have been gained in the direction of popular liberty. First, by a fairer basis of representation the rights of city and country are more evenly balanced; next, by reducing the money-standard of the voter not only property-owners, but a considerable class of small traders and artisans, are admitted to the suffrage, at a low figure of rent and taxes; and thirdly, a wider selection is allowed in nominees for the high and mighty Landrath itself—the once omnipotent bureaucracy of nobles and lords of the soil. But more than all these, the workingman, the villager, the cottager, the peasant, will now feel that he is not merely a subject, but a citizen; that the state is not a power above him and foreign to him, to which he pays taxes and renders military service, but a body to which he too belongs, and to which as a member he owes a portion of his time and his personal attention, labor, and influence; and this education of the people in practical liberty will develop in Prussia a new element of political strength.

In view of these two great reforms of the session, the school-law and the

Kreis-Ordnung, I recall what a leading Liberal of Southern Germany said to me after the battle of Sadowa: "Southern Germany must gravitate to the North. As a Liberal, I rejoice in the success of Prussia. Bismarck is right—the first condition of liberty is unity, and the first condition of unity is strength." And he added with an emphasis that then surprised me, "Bismarck is at heart a Liberal; but to accomplish anything he must humor the king in his notions of divine prerogative; and so he keeps a finger over the king's eyes, and talks of making him emperor by the grace of God, while with the other hand he is opening to us the door to liberty through national unity." Already, in six years, how large a part of this prophecy has been fulfilled. The king is emperor, but Germany is one, and Prussia is setting the example of a steady and enlightened progress in popular liberty.

AUSWANDERER.

Correspondence.

THE APPOINTMENT OF JUDGES STRONG AND BRADLEY.

TO THE EDITOR OF THE NATION:

SIR: I was glad to see in the *Nation* of last week the contradiction of the charge against President Grant, made by the Missouri Convention, that he had "packed the Supreme Court in the interest of wealthy corporations." Will you permit me to state the facts more particularly?

When a vacancy in the Court occurred in Johnson's Administration, a law was passed to prevent his filling it. But the Southern Circuit was left unsupplied, and by the act of April 10, 1869, by which the new provision for Circuit Judges was made, the full number of judges was restored to the Supreme Court. In December, 1869, a nomination for this vacancy was made by President Grant, which was not confirmed by the Senate. The resignation of Judge Grier in December made a second vacancy, which the President was required by law to fill. Mr. Stanton was selected and confirmed to fill this vacancy, but died on the 24th of December, 1869. Judge Strong, a man of the highest professional and personal character, who had recently left the Supreme Court of Pennsylvania with a brilliant judicial reputation, was soon selected in Mr. Stanton's place, and his nomination was only withheld because the Senate had not acted upon the other nomination before them. Judge Strong had, it is true, given an able opinion sustaining the constitutionality of the legal-tender act; but the constitutionality of that act had been upheld by the highest court of every State in the Union which had passed upon it, except Kentucky; and it would hardly be expected that the President's range of choice should be excluded from the highest courts of all the loyal States.

The Senate disposed of the nomination previously before them on the 3d of February, 1870, which was Thursday. On Monday, Feb. 10, the nominations of Judge Strong and Mr. Bradley were sent in. They had been determined on the preceding week, and actually prepared for transmission either on Saturday or early on Monday morning. The decision of the Supreme Court on the legal-tender act in *Hepburn vs. Griswold* was announced on the same day. I do not believe that the President had any knowledge of what the decision was to be. Some of the newspaper correspondents were asserting in the press up to that very morning that it was to be a decision the other way. I do know, however, that Mr. Bradley was selected on the ground of professional fitness for the position, as an eminent, sound, and able lawyer. I knew he was a Republican, and supposed, though I did not know, that he thought the legal-tender act constitutional. But I had no more reason to suppose that he was of that opinion than that Chief-Justice Chase was; or that he was any less likely to change his opinions upon the strength of new arguments. I had been told that he had advised clients to pay their old debts in specie, without regard to legal compulsion, which agreed precisely with my notions of honesty.

This is perhaps all that need be said upon the specific charge against the President. But I think justice requires something more to be said on the subject.

These judges of President Grant's selection have been long enough upon the bench to afford some opportunity for a judgment on their fitness for the office. They have been quietly, assiduously, honorably devoting themselves to the discharge of their great duties. I have not heard it suggested that either of them has been engaged in political intrigues. Is not such a charge as the Missouri meeting made an outrage and a wrong to them?

You may not value my testimony highly, but I have no hesitation in saying that, so far as I have known them, the selections for judicial office by President Grant have been made with the purpose of securing the best attainable judicial service for the people, and with the full understanding of their great and far-reaching importance. I think, as a whole, they will

compare favorably with those of any of his predecessors, and that, if any mistakes have been made, he has been misled by men in whom he had the right to trust.

You still adhere to the opinion that to reopen the legal-tender question was a heavy blow at judicial independence. So it does not seem to me. I lived many years in the hope of seeing the Fugitive-Slave Law declared unconstitutional, and the Dred Scott decision reversed by the peaceful method of natural and successive changes in the composition of the Supreme Court. Questions of constitutional construction must from their nature always be open questions, and the propriety of reopening them must depend upon the amount, continuance, and weight of authority in favor of the earlier construction.

My own belief in specie payments is such that I hope the right of making anything else a legal tender will soon become and for ever continue a question of mere constitutional theory and not of practice. You may perhaps find occasion to do President Grant the further justice of calling to mind that he has steadily and persistently urged upon Congress the duty of providing for a speedy return to specie payments, and so redeeming the broken promises of the nation.

E. R. HOAR.

CONCORD, MASS., April 15, 1872.

THE TRUTH ABOUT THE REDUCTION OF THE NATIONAL DEBT.

TO THE EDITOR OF THE NATION:

SIR: The continued and large reductions of the national indebtedness constitute, as is well known, one of the main arguments on which the Administration of General Grant relies for obtaining the present as well as future support of the people; and how adroitly, moreover, the facts of such reduction are being used for the purpose of creating political capital, the following recent extract from one of the leading organs of the Administration strikingly illustrates:

"The amount of the principal of the public debt paid from the 4th of March, 1789, to the 31st December, 1843, was \$299,910,528 32. The amount paid from March 1, 1869, to March 1, 1872, according to the report of Mr. Boutwell, of the principal of the public debt is \$299,649,762 03, only \$269,758 29 less than was paid by the Government, of the principal of the public debt, in fifty-four years after its organization. Where, in all history, is there such another fact? And with what conscious pride can any American point to this fact in the Administration of President Grant! About three hundred million dollars of debt paid in three years!"

Now, as the above statement is founded on an entire misconception of the facts of our recent financial history, and is therefore being used—in a majority of instances doubtless unintentionally—as a means of deceiving the people, we think the time has come when the real truth should be plainly stated, and a clear, straightforward answer given to the question above propounded, namely, Where, in all history, is there another such a fact as "the payment of three hundred millions of dollars of indebtedness in three years"?

To do this, it is necessary to go back in time for a period of about four years, and recall to mind that the circumstance, above all others, out of which the Democratic party attempted to make capital against the Republicans in the Presidential campaign of 1868, was the enormous expenditures of the three years immediately succeeding the termination of the war. The fact that such expenditures had been made could not be denied. The evidence stood forth in bold relief in every report emanating from the Treasury; but the charge that they were reckless, unnecessary, and discreditable was fully met and answered by Mr. Boutwell, in a speech delivered in the House of Representatives, July 21, 1868; by Edward Atkinson, Esq., in a speech before the Republican State Convention of Massachusetts, September 9, 1868; and by the then Special Commissioner of the Revenue, in a number of documents published and extensively circulated by the National Republican Committee. In all of these the proof, obtained by analyzing a large mass of Treasury statistics, though necessarily somewhat circumstantial, was nevertheless entirely conclusive, that the expenditures in question were legitimate and necessary, that the money had not been wasted, and that the debts and liabilities of the Government at the close of the war were very greatly in excess of the figures which actually appeared upon the books of the Treasury. The speech of Mr. Boutwell above referred to is so remarkable, and, owing to the present position of its author, so significant in its bearing upon what is now sought to be made a political issue, that we quote entire its most important passage—remarking at the same time, for the benefit of those interested, that the speech in full may be found in the *Congressional Globe*, 1867-8, Part V., pp. 4296-4299. He says:

"I wish to call the attention of the House to a fact deduced by careful examination of statistics obtained from the Assistant-Secretary of the Treasury Department, showing that during the last three years we have, with our

resources and the revenue of this country, secured a large diminution of the public debt. I confess that, after the careful examination I had made, I felt compelled to review it, and see whether there was not some mistake in the premises, or in the calculation, so astonishing is the evidence thus furnished of the ability of the people of the country to liquidate the public debt. From the 1st day of April, 1865, to the 1st of January, 1868, two years and nine months, we have paid out of the public Treasury \$1,552,000,000 of money. Upon a careful analysis of the expenditures of the Government during these two years and nine months, I find that the expenses of a peace establishment, excluding interest, pensions, and bounties, upon the basis of the year 1866 and 1867, when the expenses of the Government were \$70,000,000 more than they are to be the present year, amounted to \$485,000,000; showing that we paid over and above those expenses \$1,066,000,000. On the 1st day of April, 1865, the public debt, liquidated and ascertained, was \$2,366,000,000, and the \$1,066,000,000 which we paid between the 1st of April, 1865, and the 1st of January, 1868, would have been added to the public debt as proper expenses of the war, if we had not, out of the public revenue from day to day, liquidated it. In the face of this great fact, that in two years and nine months, by extraordinary taxation and extraordinary efforts to be sure, we paid \$1,066,000,000 of the public debt, are we to assume that hereafter the people of this country are not annually to make considerable payments of the public debt of the country? *Almost one-third of the entire public debt of the country has been paid in two years and nine months, and I am not willing to stand on the assumption that we shall not make large payments in each year hereafter.*

But the record of this financial experience of the Government from 1865 to 1868 does not stop here. The evidence adduced by Mr. Boutwell, Mr. Atkinson, and the Special Commissioner of the Revenue was, as has been already stated, in some degree circumstantial and indirect. It was made up from an examination and comparison of the general reports and statistics of the Treasury, and lacked that full faith and credit which could only be imparted by the official certificate of the department itself, through its chief representative, the Secretary. Accordingly, in November, 1868, after the issue of the Presidential election had been established, and the matter under consideration had ceased to form a topic of political debate or popular interest, Secretary McCulloch, with a view of ascertaining the exact facts, and of leaving a true historical record of the transactions of his fiscal administration, ordered a most careful and official investigation; and in December, 1868, in connection with his annual report, presented the following statement, which no one ever has contravened, or ever can pretend to contravene. His figures were as follows:

On the 1st of April, 1865, when the war had practically terminated, the acknowledged debt was \$2,336,995,077.

From April 1, 1865, to June 1, 1868, the total receipts of the Treasury from all sources of revenue were \$1,662,476,062 20.

For the purpose of ascertaining how much of these receipts—mainly from taxes—were applied to the payment of debts—exclusive of interest and pensions—created by the war, the Secretary officially applied to the War and Navy Departments, and asked: "How much of your respective disbursements since the close of the war has been in payment of debts properly chargeable to the expenses of the war?" and received the following answers: By the War Department, \$595,431,125; by the Navy Department, \$35,000,000. "These figures show that the money expended by the War and Navy Departments, between the 1st day of April, 1865, and the 1st day of November, 1868, on claims justly chargeable to the expenses of the war, amounted to \$630,431,125. To which should be added amount advanced to Pacific roads, \$42,199,000; amount paid for Alaska, \$7,200,000; total, \$679,825,125." After giving these figures, the Secretary continues:

"It is thus shown that, within a period of three years and seven months, \$630,431,125 were paid on debts which were actually due at the close of the war and for bounties, which, like the pay of the army, were a part of the expenses of the war. Adding the amount thus paid to the debt as exhibited by the books of the Treasury on the 1st day of April, 1865, it appears that the debt of the United States at that time was \$2,997,386,203, and that the actual reduction [since] has been \$470,256,650; and but for the advances to the Pacific roads, and the amount paid for Alaska, would have been \$519,650,650."—*Report Secretary of the Treasury, Dec. 1868, pp. 19, 21.*

It is simply fair to say that the discrepancy between the conclusions of Mr. Boutwell in his speech of July 21, 1868, and the exact figures of Secretary McCulloch, finds an explanation in great part in the circumstance that the former (Mr. Boutwell) included interest and pensions in his estimate of the aggregate of payments, and the latter (Secretary McCulloch) did not. If we add the aggregate of these two items, from April 1, 1865, to Nov. 1, 1868, about \$550,000,000, to the aggregate of the war debt paid (\$630,431,125), the total expenditure for the period of three years and seven months specified was \$1,185,431,125. In view of these facts, what becomes of the claim so continually put forth in the public press, and so ostentatiously embodied in the resolutions of political conventions, that the Administration of Gen. Grant is especially entitled to the confidence and support of the country for its course in reference to the reduction of the public debt; and that its experience in respect to this matter is without a parallel in history? The figures

and testimony above given demonstrate beyond a question that all such claims and averments are simply untrue; and it would further seem to stand to reason, that if the fact of having paid \$299,649,762 of debt in the three years from March 1, 1869, to March 1, 1872, constitute a special debt of gratitude from the people to the existing Administration, the measure of gratitude due to Andrew Johnson's Administration, which actually reduced the national debt in three years and seven months by the sum of at least \$470,236,000, ought to be on the same principle at least double.

If, however, it be said that the Johnson Administration had more to pay with than the Grant Administration, and therefore was able for such reason to make a better showing, the answer simply is, that both Administrations have had exactly what Congress permitted them to have, and each of them has used its surplus in paying the debt in the same manner. Or if it be said that taxation has been reduced to a greater extent under the Grant Administration than under that of Johnson, the averment is simply untrue; inasmuch as by far the greater proportion of the reductions of the war taxes made since 1865 was the result of legislation before Grant assumed office.

But this whole record of paying the public debt, regarded as a standard whereby the merits or demerits of any Administration are to be measured or estimated, is a mere piece of political chicanery, which, if subjected to the most superficial analysis, will fail to deceive any one. Congress, which enacts the laws regulating and fixing the taxes, is the impelling or determining power; the revenue assessors and collectors are the machinery by which the power is applied; the taxes are the "grist" or product of such force and machinery, and the Secretary of the Treasury is the chief miller or recipient. Of the whole amount of "grist," Congress first determines what part shall be used to keep the mill in motion—i. e., run the Government; and over the application (disbursement) of this, the powers of every Administration are exceedingly guarded and limited. Of the disposition of the surplus product, if there be any, three courses, and three only, are left open for any Executive, or its fiscal representative, the Secretary of the Treasury: he may steal it, or allow others to do so; he may hoard it in the vaults of the Treasury; or he may use it in the liquidation of the state's indebtedness. To compliment a President or a Secretary of the Treasury for adopting any other course than the latter is, therefore, simply equivalent to saying that they are neither fools nor knaves, and that they have adopted the only method consistent with the possession of common honesty and common sense. In short, the enormous and historically unparalleled reductions of the national debt which took place during the period embraced from April, 1865, to March, 1869, and the smaller but continuous payments that have since been effected, have, when analyzed, but this one meaning and significance: *they measure and prove the enormous taxes to which the people have been willing to be subjected.*—Yours truly,

DAVID A. WELLS.

APRIL 15, 1872.

Notes.

G. P. PUTNAM & SONS have in preparation the following additions to their "Handy-Book Series": "Hints to Housekeepers"; "How to Make a Living"; "Hints on Dress for Decent Poor Folks"; and "Social Economy," by Prof. J. E. Thorold Rogers.—"A Seven Months' Run, Up, and Down, and Around the World," by the Hon. James Brooks, M.C., consisting of his letters to the *New York Express*; "A Woman's Experiences in Europe," including England, France, Germany, and Italy, by Mrs. E. D. Wallace; "How the World was Peopled," by Rev. Edward Fontaine; and a supplement to Mr. Alex. H. Stephens's "War Between the States," called "The Reviewers Reviewed," are among the announcements of D. Appleton & Co.—Scribner, Welford & Armstrong will republish the late F. D. Maurice's "Moral and Metaphysical Philosophy," and Agnes Strickland's "Lives of the Last Four Princesses of the Royal House of Stuart."—M. Taine's "Notes on England" and his work "On Intelligence"; a new novel, "My Little Lady"; and Turgeneff's masterly fiction, "Smoke," will be published by Holt & Williams.

—The Council of the National Academy of Design has decided to throw open the Academy on Sundays, charging for admission the nominal fee of fifteen cents. Last Sunday the experiment was tried for the first time, and, though it had been but little, and only hastily, advertised, the attendance is said to have been quite equal to the usual attendance on week-days. Hereafter, we have no doubt, it will more than equal the week-day attendance, as there are so many mechanics, clerks, and business men who find it next to impossible to get an afternoon away from their work. If the authorities of the Mercantile Library and those of the Museum of Art would now follow the lead of Mr. Page, Mr. Ward, Mr. La Farge, Mr. Shattuck, and their associates, the

cause of Sabbath-breaking in this city would receive a severe blow. But we believe the authorities of the Museum of Art have seen fit to tie their hands by accepting a gift from two gentlemen of this city, who stipulated that their money should be taken only on condition that the gallery should be kept shut on Sunday. The people's day, as the Sunday of free galleries is called in Europe, may not seem a very nice day to the few who are most capable of enjoying pictures, but it is a very nice day for the people, nevertheless, and we hope the Museum gallery may, before long, be open all days even at the cost of returning to the benefactors the conditional three thousand. The proceeds of a small fee taken at the door would soon amount to that sum, and we dare say a part of it could very readily be had from persons who think the wickedness of making Sunday into a Sabbath is quite as great as that of allowing people who otherwise would have no opportunity, to look on that day at pictures, religious and secular. Artists, considered as commercial persons even, might profitably contribute to such a refunding fund, as being men acutely interested in the elevation of the general taste of the community—a taste eminently teachable.

—Mr. Charles Astor Bristed, who when resident in New York was one of the most vigorous and effective guerillas the press of this city has ever been able to boast, is now doing battle with legions of foemen in Washington, and is sending many souls of warriors to Hades, over the copyright question. His last encounter has been with a correspondent of the *Chronicle*, who has had the audacity to sign himself "Justice," on the same principle, Mr. Bristed says, as Sheridan acted on, who, when picked up drunk in the gutter, gave his name as "Wilberforce." In this discussion, Mr. Bristed makes a happy addition to the weapons of newspaper warfare by a quotation from a sporting novel, in which the hero, Jack Spraggon, having been killed, his patron, Lord Scamperdale, lamenting over him eulogistically, winds up with the remark "that he was such a fine natural blackguard!"

—Another translation fund is on the carpet, this time in the field of theology. Dr. John Tulloch, Prof. Jowett, James Martineau, and seventeen more or less distinguished associates, are of opinion that it is desirable to render accessible to English readers "a foreign theological literature of a more independent character and less biassed by dogmatical prepossessions" than that heretofore reproduced (*e. g.*, in the works of Hengstenberg, Delitzsch, Keil, etc.); a literature, namely, "which is represented by such works as those of Ewald, Hupfeld, F. C. Baur, Zeller, Rothe, Keim, Schrader, Hausrath, Noldeke, Pfleiderer, etc., in Germany, and by those of Kunen, Scholten, and others, in Holland." To this end, they solicit subscriptions and donations towards a fund which shall enable the publishers (Messrs. Williams & Norgate, London and Edinburgh) to bring out three 8vo volumes of about 400 pages annually. Each subscriber of one guinea will be entitled to the publications of the year without charge. Communications should be made to the above firm, but, for the present, remittances are not desired, as the scheme will not go forward without a guarantee of support.

—Among new English books that will interest religious readers we note these: "An Explanation of the Thirty-nine Articles" is the work of Dr. Forbes, Bishop of Brechin in the Scotch Episcopacy. Dr. Forbes is a pronounced Anglo-Catholic or Ritualist, and nowise in sympathy with those clerical doctors who would explain the Thirty-nine Articles by explaining the substance of some of them into thin air and out of sight. It is reported of his book that its author began it with some fears and misgivings, but that as he went on he found the Articles much sounder, more Scriptural, more fully in accord with the universally received opinions of the Church catholic, than he anticipated, and that in the end they received his hearty assent. The popular preacher, Stopford Brooke, whose sermons perhaps read as well as anybody's popular sermons, publishes another volume of them with the title "Christ in Modern Life." Another Episcopal clergyman, but one whose views are not at all Mr. Brooke's, has written a book entitled "Notitia Eucharistica," being moved thereto by the recent judgment of the Privy Council. Mr. W. E. Sandmore is the author in question, and his "Notitia" is an endeavor to show how the Lord's Supper should be administered, and that when rightly administered the administration would not be approved by the Privy Council. The volume is nine hundred pages long, and summarizes Eastern and Western service books and other authorities—which the Privy Council might probably regard as embodying the traditions of rather ignorant churches now happily reformed. "Reasons for Rejecting Mr. Ffoulkes's Theory as to the Age and Author of the Athanasian Creed" is the title of a work of which we know only the title, and that Mr. C. A. Heurtley is its author, while of Dr. Irons's "Athanasius contra Mundum" we may be sure that it is an acute and learned, whether or not wise, defence of the creed. This same creed is a topic which is getting a good deal of discussion just now in English religious circles, because everybody suspects everybody else of greatly doubting about some im-

portant parts of it, as, for example, the part which says that without any doubt, unless a man believes in the other parts of it, he shall be eternally damned; but a topic which will be of more interest to readers in America, where, outside of the British Possessions, Protestants have no Athanasian Creed, is the one discussed by "A Graduate" in "An Enquiry into the Times and the Gospel of the Apostle to the Gentiles." Widely interesting, too, may very likely be Mr. Matthew Arnold's newest volume, not yet out, but announced as "A Bible Reading for Schools." On this side of the Atlantic the quarrel about Bible-reading in schools is between Protestants and Roman Catholics on the one hand, and Infidels on the other, and it appears to be irreconcilable; but probably in England this particular part of the educational quarrel may be more easily handled. Mr. Arnold is a practical teacher, and perhaps he may have found out a path in which the Secularist and the advocate of public Bible-reading by the children may walk together amicably, though such an event is to be wished for rather than expected with sanguine hope. The quarrel is everywhere a very bitter one, though the matter may be said to be so very small; in our experience, at all events, we have found that practically no one need object greatly to the reading except those persons who reverence the Bible too much to see it carelessly used, as it often is when its words are heedlessly gabbled by pupils whose heads are at the moment full of nonsense or of sums in arithmetic. We must not forget to mention the Duke of Somerset's "Christian Theology and Modern Scepticism." Disraeli's "Lothair" was called "a very duchessy book" on account of the number of exalted creatures who figure in it, and something in the same way this may be called a very ducal or duky book, some of its views indicating an assured social position quite as well as they show fitness for religious controversy. "Why am I a Presbyterian?" is the title of a lecture by Mr. D. Ross. Dr. Döllinger's "Lectures on the Reunion of Christendom" are to be published in English by the Rivingtons. Macmillan & Co. will publish still another essay on the authorship and historical character of St. John's Gospel. The fallacies of Darwinism are to be attacked by C. R. Bree, M.D.; and Blackwood and Mr. John Murray respectively announce two works which will belong partly to history and partly to religion—namely, Mr. John Tulloch's "Rise of a Rational Theology and Christian Philosophy in England in the Seventeenth Century," and Mr. W. H. Jervis's "History of the Church of France."

—Those who think that it is on the whole a dark day for a man of imagination when the German professor gets at him with his spectacles, will be glad that one great Turner at least is safely removed from the influence of Dr. Liebreich. We refer to the picture of the "Slaver," bought of Mr. Ruskin by Mr. Blodgett, of this city, and transferred to the gallery of Mr. John Taylor Johnston. It was painted in 1840, a good ten years after the optical change which yields Dr. Liebreich his triumph is said to have occurred. It is dishevelled enough to lift the hair of an imperfectly initiated disciple. As a diapason of color, it has the fulness of the artist's "Fighting Téméraire," or of the hues in a pearl-shell. As a work of fiction holding any kind of *rapport* with natural appearances, its place is hard to fix. The aqueous part has a distinct endeavor at and recognition of quality; it is transparent, penetrable, and profound, with passages of absolutely inspired color; but the firmamental part is one of Turner's frank confessions that sky-quality is a matter that escapes him; he confines himself in it to his admirable diagram-sketching of clouds in agitation and columns of driving mist ("Typhoon coming on," as his title had it), and completely releases his attention from the properties of depth and atmosphere which are the crucial endeavor of all other landscapists. The upper part of the painting therefore assaults the eye with the crude frankness of a map—is, in fact, very similar to one of the modelled maps prepared for the blind—while the lower part has another class of excellences, as a veritable picture. On the whole, we believe the spectator will gain more from it by trying to admire it than by delivering himself up to his analytical mood. As an "astigmatized" Turner, we exult in its having got three thousand miles away from Liebreich.

—A private letter from Paris thus speaks of the exhibition at Goupil's Rooms, Rue Chaptal, of the pictures painted and given by French artists for the relief of the sufferers by the Chicago fire: "The exhibition, I am happy to say, is a complete success. There is only one voice on the subject. Americans, Englishmen, and Frenchmen unite in their praises. The truth is that the *ensemble* is most attractive, giving a really interesting idea of the French school. It would be difficult to form such a complete collection again. Everybody goes to see the exhibition. Among the late visitors may be mentioned the Count and Countess of Paris, who came to the gallery in company with the Duc de Montpensier and his sister the Princess Clementine." A great many have suggested that this collection should not be dispersed, but should be kept together. If Chicago had a public gallery, the city might buy it, or somebody might buy it for her; or, some of our rich merchants

might buy the whole and place it in a special room as a remembrance of the good feeling between the two countries. This idea of keeping the collection together for one purpose or another is, however, a mere suggestion. The committee have the whole matter in their hands, and they will no doubt act in the way best calculated to carry out the object in view. As a testimonial of their sympathy with the Chicago sufferers, Messrs. Goupil have added to the collection a picture by Horace Vernet, "Walter Scott and Allan McLulay." It was painted for the Duke of Orleans in 1823, and was placed in the Duke's collection at that time; but King Louis Philippe liked it so much that after the Duke's death he had it hung in his own study at Neuilly, where it was in 1848. The palace at Neuilly was burned down during the Revolution, and that part which was saved contained the picture in question. It is supposed that some Communist of the time saved it; at any rate, it was considered lost, till about twenty-three years later it turned up in a public sale at the Hôtel Drouot, where Goupil & Co. bought it, not knowing its origin or its history. When, a few days ago, the Orleans princes, as above stated, came to see the Chicago collection, the Duc de Montpensier exclaimed: "Why, here is our dear father's own picture!" The surprise may be imagined. M. Goupil at once offered to return the picture to the princes as their property, but after a short consultation they decided to leave it in the collection, adding that, not only had they no right to it, but they were most happy to let the Americans have a picture which their father, the King, had so much affection for. The collection is now on its way to this country, having been shipped from Havre on the 28th of March. From what we hear, and from the photographs of many of the pictures which have been shown us, we cannot doubt that the gift made by the French artists to the sufferers by the great fire has seldom been equalled in delicacy and generosity. It is perhaps unjust, where all have done excellently, to mention one name more than another, and if we speak of Meissonnier's contribution, it is only because we are able to judge better of it than of some of the others by the photograph which has been shown us. It is a water-color drawing, and in the artist's best manner. It would no doubt fetch a large sum if offered for sale in Paris. But, indeed, there seems to have been an honorable competition among these gentlemen to see which should be foremost in goodwill. Many of the pictures have written on them, in English that comes rather from the heart than from the grammar, quaint little messages—mute hand-shakes and embraces from over-seas.

—*L'Année Géographique*, we are glad to say, was not extinguished by the war, but merely retarded. The ninth volume may now be had of Mr. Christern, embracing the two years 1870-71. It would be well if this invaluable series were found among the books of reference of every school of the higher grade in this country. Two works on the late war will command attention: Gen. Vinoy's "Campagne de 1870-71, Siège de Paris," giving an account of the operations of the Thirteenth Corps and Third Army; and Vice-Admiral De la Roncière's "La Marine au Siège de Paris." M. Littré's "Médecine et Médecins" is a Positivist treatise relating for the most part to works published by physicians, and treating such topics as great epidemics, table-tipping, Socrates and Pascal (mental pathology), hygiene, gunshot wounds, the nervous system, inheritance, political suicide, toxicology in history and the death of Alexander, Gil Blas and the Archbishop of Granada. Champfleury's "Histoire de la Caricature au Moyen Age" is the middle term between his histories of caricature in ancient and modern times already published. Notwithstanding a common opinion that drunkenness scarcely exists in wine-growing countries, M. Charles Muteau implies its existence by asking whether it ought to be punished ("L'Ivresse doit-elle être punie?"), and decides in the affirmative. Eugène Rendu, Inspector-General of Public Instruction, advocates compulsory education in a pamphlet, "L'Obligation légale de l'Enseignement," while M. Charles Clair takes the other side, which is the more agreeable to the clerical party ("Six mois d'Instruction obligatoire en France"). M. J. Rambosson attempts to glean something in the field which Rousseau planted, reaped, and garnered more than a century ago: "L'Education Maternelle, d'après les Indications de la Nature."

—R. von Decker, Berlin, will publish in the course of the spring a work which will serve the Döllinger party as a thesaurus against the doctrine of Papal infallibility. It is a digest of Papal bulls, rescripts, etc., during the Middle Ages, by Dr. Augustus Potthast, a scholar who is distinguished for his critical learning in that period of history, and whose "Bibliotheca Historica Medii Ævi"—a guide to the sources of mediæval European history from 375-1500—has just passed to a second edition. The title of this new work is "Regesta Pontificum Romanorum ab Innocentio III. (1198) ad Benedictum XI. (1304)." It contains an abstract of more than 25,000 official Papal utterances, arranged in chronological order, and so thoroughly and skilfully has the author accomplished this great task that the Berlin Academy of Science has awarded him the double-prize of 200 ducats. It should be

brought within easy reach of American students through the public libraries. It brings the Popes into court as witnesses to their own contradictions and errors.

THE NORTH AMERICAN FOR APRIL.

THE *North American's* own select circle of subscribers will be more pleased than the public at large with this solid April number, which is made up of three very good articles, and one good and very long article, together with a dozen or so of book-notices. These latter, without being extraordinarily excellent for the *North American*, would be extraordinarily excellent for almost any other of our publications, and though it is still the *North American's* own loyal subscriber whom the book-reviewers keep in mind, the general reader will find in the critical notices some food grateful to his variety-craving appetite. To be attracted to the main body of the *Review* he should be a general reader who enjoys the vivisection of philologies by Professor W. D. Whitney; or the explication of Communist theories by a commentator who has full knowledge of the International Association; or *résumés* of the diplomatic career of Count Benedetti; or a discussion of the law of maritime warfare as it affects belligerents. Yet we do not know why this last-mentioned essay should not interest and instruct a good many thousands of us. All editors, surely, all prospective Congressmen, all future Presidents, and all Secretaries of State, prospective or present, may thankfully study it, and clear their minds of cant and inform them with knowledge. It is by Professor John Norton Pomeroy, a writer of admirable clear-headedness and hard-headedness, refreshingly intolerant of nonsense, and capable of a degree of plain speaking and exact statement which it will do everybody good to find. Just at present, too, there ought to be a singular number of readers for Mr. Pomeroy, all of us being fresh from the agreeable discovery that for want of a little juristic learning and a little sound judgment in our Department of State, and in consequence of an exaggerated sentimentalism, we have been made ridiculous in the eyes of all the world.

"Down to the year 1861," says Mr. Pomeroy, "it was our traditional policy to uphold and maintain neutral rights; all the world looked to us as the champions of these rights; and ere long, when the Government falls once more into the hands of statesmen, this policy will be revived." But it was only so long ago as the beginning of the Franco-Prussian war that Secretary Fish wrote to the Prussian Chancellor congratulating him on the humane policy of his royal master in exempting from capture all French property afloat, except contraband of war, and reminding him that Prussia and America first of all states committed themselves to this philanthropic measure. So they did, but not the less must the Herr von Bismarck have been amused by this despatch. We did commit ourselves to this measure in a treaty negotiated with Frederic the Great, in 1785, by our doctrinaire and philosophe envoy, Benjamin Franklin, who, however, at the same time, negotiated treaties with other powers with whom there was some likelihood of our coming in contact, in which he made no mention of any such pleasant doctrine. And this because, for one reason, he was a man of sense, and knew that a treaty of the kind between two countries, one of which would never fight on sea and the other of which would never fight on European soil, was a different thing from a treaty with France or Great Britain; and for another reason, because he was the envoy of a nation which has sense, and which, when it really had to go to war, went in Sherman's and Sheridan's fashion, and not in Dr. Lieber's or Doctor Bluntschli's, and levied, burnt, and confiscated right and left, seizing or destroying impartially and thoroughly whenever and wherever necessary. Mr. Pomeroy exposes very effectually the assumption that there is a rule of international law which prohibits the destruction of the private property of the belligerent's citizens on land, and by equitable extension of which such property should be spared when it is found at sea. "There is in fact," he declares, "no such rule, no such principle, no such doctrine, no such practice." Philosophers, in mistaken humanitarianism, have elaborated such a proposed rule, but nations struggling with each other have never regarded it—have always disregarded it, except now and again on paper, and then for the most part in cases where they might assert it with all the safety in the world, knowing it could never affect them in action. Incidentally, he has some remarks to make about the New York Chamber of Commerce which will not gratify that body of gentlemen, and he also pays his respects briefly, but in an engaging manner, to Napoleon I., Mr. Buchanan, Mr. Monroe, Doctor Bluntschli, M. Chateaubriand, Signor Galiani, Mr. Fish, and other publicists and public men. As a specimen of the way in which he expresses his sentiments, the following passage may serve. It relates to the above-mentioned despatch from Mr. Fish to Count Bismarck: "This spectacle provokes at once derision and disgust—contempt for the thin, make-believe character of the transaction, disgust for its glaring hypocrisy. Our public acts belie our public professions, while our professions cast a slur upon our acts." It is right to say that this passage is immediately preceded

by the cited opinion of Mr. Justice Strong, of the Supreme Court, in which, without the least limiting clause, that judge affirmed the validity of our severe and thorough confiscation policy during the war. But, even so, a milder term than hypocrisy might perhaps fit the facts rather better.

Professor Whitney's subject of discourse is the philological cloud-blowing of Professor Steinthal, a man who seems to us as here presented about as reasonable, essentially considered, as the judicious Stephen Pearl Andrews. We speak of his theory of the genesis of language, his scholarship of course being another matter. "In our view," Mr. Whitney remarks at the close of his essay in speaking of Steinthal and men of like views, "their profundity is merely subjective, and their whole system is destined to be swept away and succeeded by the scientific, the inductive. This alone is in unison with the best tendency of modern thought; this alone can bring the science of language into harmony with the other branches of knowledge respecting man, his endowments and history." It will be seen that this is very decidedly the strictly scientific view as opposed to views which Mr. Whitney christens *aprioristic*—a dreadful word, to our mind, or ear rather, and one for which Mr. Whitney owes his readers at least one more essay as good as this one. Mr. Pomeroy, too, we notice, indulges himself in the use of a term needlessly uncouth, making the substantive "enemy" do duty for an adjective—as "enemy ship," "enemy goods."

Professor C. K. Adams, writing *apropos* of Count Benedetti's recent attempt at vindicating his diplomatic character and career, takes occasion to investigate the conduct of the French and Prussian cabinets during the four years between Sadowa and Sedan, and arrives at the conclusion that Benedetti shows the French Emperor to have been both as knavish and as imbecile as his severest critics have asserted. We should say that Professor Adams is speaking, we do not say without book, but without anything like sufficiently plain proof, when he takes it for true that in 1866 France could by a single word have prevented the Prusso-Italian alliance. The wisdom of that alliance would seem to have been fully justified by the event, and it will hardly do to assume that General Govone and Victor Emanuel's other counsellors were not the men to see exactly where their country's interest lay. Otherwise, the essay seems to us satisfactory, and no doubt it will be found useful as an aid to the understanding of this remarkable period, full as it was of transactions which, taken together with our own war, and the Italian struggle in state and in church, have made this decade which we have just lived through a period of immense historical interest. It is for other generations to pass the final verdict and perceive clearly, looking back at us and our doings, what were our really significant and pregnant achievements; but as history has been written by our ancestors and ourselves, the decade of the American Rebellion, the Italian unity, the Austrian downfall and recovery, the Germanic supremacy in Europe, the Papal infallibility, the advent of the Commune, will long seem to our posterity a tremendous epoch.

In Mr. Gryzanowski's very long article, which, fortunately, it is for Europeans rather than Americans to study with anxiety, there is a very full account of the rise and progress and aims of the "International"—a word of fear to the Parisian and the Londoner, but in New York associated most closely with Woodhull and Claflin, who, we believe, are members of a chapter. The book-notices are of some popular books, and a larger number of books more substantial than popular. Mr. Clarence King's recent work, Holland's "Recollections," Forster's "Dickens," and Howells's "Wedding Journey," represent the former; and Professor Jevons's "Political Economy," Seeley's "Livy," and Thomas's "Biographical Dictionary," the latter class. The reviewer of Sir Henry Holland's "Recollections" will have done his other readers an appreciable service if he sends them all as he sent us to an article in the last London *Quarterly*, which agreeably supplements Sir Henry's tantalizing book by giving us some of that gossip about people in society which is one of the disowned delights of the immortal mind, and of which Sir Henry, though he knows so much, tells us nothing. He will be inordinately regretted when he dies. The *Quarterly* writer has probably been for half a century constantly hearing and telling little stories about the great, and in his desultory, rambling essay he gives to the public some anecdotes which probably he has many times told and heard told in clubs and in country-house breakfast-rooms. Some of his chat is new and some of it is ancient, but he makes a readable essay with a pleasant old-time flavor; and if any of the *North American's* readers discover in themselves just the least inclination in the world to feel somewhat fatigued when they have got through the "International Association" and on towards the end of Mr. St. George Mivart's reply to Mr. Chauncey Wright, which closes the *Review* for this quarter, they might do worse than turn to the *Quarterly*. Mr. Mivart's letter, by the bye, is very like typical polemics; the writer is trembling and aching with courtesy and with desires to be civil to his opponent, and obviously does not thirst for that gentleman's

heart's blood. One of the *Quarterly's* anecdotes is of Sir Charles Napier, who travelled, the story goes, by way of Egypt from London to Calcutta, and on arriving at the latter city was informed by his host, Lord Dalhousie, that there would be time for a bath before dinner. To this Sir Charles replied that he had washed himself at Alexandria. Another is of Rogers, and is characteristically sweet-tempered: Lady Davy complained to him that he had been abusing her; to this he responded kindly, denying the charge: "Lady Davy, I pass my life in defending you." Lady Davy was unwilling to marry Sir Humphrey, our author informs us, because he was plain Mr. Davy, and some of her friends procured for him, without his knowledge, the honor of knighthood, Sir Humphrey having the impression that George the Fourth was distinguishing science in his person when the honor was conferred. Thus the chronicler runs on, seeming to have an old bachelor's dislike for various ladies and his liking for various others. Lady Holland, wife of Lord Holland, is one of his aversions; but he is most nearly malicious when he suggests that Sir Henry Holland refused his baronetcy and remained plain Dr. Holland till after Lady Holland's death, because that imperious personage declared that if the doctor, by accepting it, brought another Lady Holland into the field, he should never cross the threshold of Holland House again.

CHARACTER.*

"CHARACTER is one of the greatest motive powers in the world. In its noblest embodiments it exemplifies human nature in its highest forms, for it exhibits man at his best. Men of genuine excellence in every station of life—men of industry, of integrity, of high principle, of sterling honesty of purpose—command the spontaneous homage of mankind. It is natural to believe in such men, to have confidence in them, and to imitate them. All that is good in the world is upheld by them, and without their presence in it the world would not be worth living in. Although genius always commands admiration, character most secures respect. The former is now the product of brain power, the latter of heart power, and in the long run it is the heart that rules in life. Men of genius stand to society in the relation of its intellect as men of character of its conscience; and while the former are admired, the latter are followed."

These opening sentences of Mr. Smiles's book naturally raise in the mind of the critic the oft-mooted but still unsettled question as to how much of a book it is his duty to read before writing about it. The first chapter of the volume reveals the character of the whole, and shows that the work consists of a series of didactic reflections such as we have just quoted, interspersed with illustrative anecdotes. It is a book which might be reconstructed from the initial chapter, by a critic of no very extraordinary powers. Under these circumstances, is it the duty of the critic to read the whole? It may be said, in answer to the argument we have just hinted, that, although the general nature of a book may be sometimes easily inferred from the opening pages, it is still unfair to the author to act upon this supposition, because no one can tell beforehand that somewhere in the eleventh chapter he may not have tucked away a really original and valuable remark which the world has been waiting for for eighteen hundred years; but, on the other hand, the affairs of this world are very much governed by presumptions, and we act in a majority of cases not according to what may possibly be the case, but according to what, from antecedent probabilities, we presume will be the case. And this must always be so where the opposite course would involve a too great sacrifice of time. Whenever we take a step, we do not consider it necessary to calculate the mechanical resultant of the forces we set in motion because there is a bare possibility of our losing our balance and falling. There is undoubtedly such a possibility, but there is also a very ancient and settled presumption the other way. And so of books, it may be said that, when passages selected at random from a book raise a strong presumption as to its character, that presumption may fairly be acted on.

Nevertheless, giving Mr. Smiles the benefit of the doubt which he probably entertains on this point, we have carefully and conscientiously read every line of his work on character, and it is only fair to say that, although our opinion of the book has not been changed at all—it is in every respect essentially commonplace—our feelings about it have been decidedly modified. It is impossible not to feel considerable gratitude for a man who brings together within the compass of a book such a number of interesting, encouraging, and inspiring stories of people, some of them new, some of them old, almost all of them good.†

Mr. Smiles's moral reflections, as we have said, are very commonplace. Indeed, some of them are worse than commonplace. To tell the young, or

* "Character." By Samuel Smiles, author of "Self-Help," "Life of the Stephensons," "The Huguenots," etc., and editor of "Round the World." New York: Harper & Bros. 1872. 12mo.

† In gratitude for the pleasure of these anecdotes, rather than any from doubt of Mr

for that matter the old, that "men of genuine excellence command the spontaneous homage of mankind," that it is "natural to imitate" such men; that "in the long run it is the heart that rules in life," and that "while men of genius are admired, men of character are followed," is, in the first place, to say what is, as a matter of fact, often glaringly untrue; and is in the second place to set up as a test of morality the unworthy and immoral criterion of success. It seems singular that we should find the biographer of the Stephensons, whose reading must have made him familiar with the sad lives of at least one class of men of character, repeating the stale and selfish maxims of a morality invented by priests in an age of darkness and superstition. The great men of the world have not kept alive the sacred flame with such wretched fuel as this. This view of the subject ignores, too, one of the most perplexing problems which beset men of character, and indeed all the world. There are always two moral codes in existence—one, the customary code, adopted by common consent as the standard of right and wrong—another, the ideal one, not recognized by the world at large, but adopted here and there by a single individual, and followed by him through doubt, danger, distress; it may be to success and honor, it may be to obscurity, disgrace, or death. The relation between these two codes always remains the same; the performance of the duties prescribed by one secures what is commonly known as respectability. The rewards of the other are of a different kind. The great men of character—at any rate, those whose lives the world knows anything about—have always spurned the customary code, and adopted the higher rule of life, and it is mainly by the example of their lofty morality that their weak and erring successors on the earth are kept from the servitude of appetite and passion. The two codes often come into direct conflict, and, when they do, the question has always to be settled for each individual whether the higher or the lower good should be preferred; and, indeed, which is, in his case, the higher and which the lower good. He finds two standards of right and wrong, the worldly and the unworldly, before him, and he must choose between them. This truth is so patent that examples are almost superfluous, but, if any are needed, the recent history of this country can easily furnish them. How many slaveholders before the war there were whose minds were tortured with the conflicting claims of the social code which permitted and encouraged slavery, and the claims of the code of principle. And those slaveholders' ancestors had gone through the same struggle between the traditional duty of loyalty and that of patriotism. Every one knows the touching story of the young man who was told by Christ to abandon all and follow him. The conflict is revived in every generation, and will last as long as the conscience of man. Those who undertake to teach the world about its great men cannot ignore it.

But these objections we make rather to isolated passages in Mr. Smiles's book than to its general tone, and it should, no doubt, be regarded rather as a collection of inspiring anecdotes than as an original work.

Les Merveilles de l'Exposition Universelle de 1871. Par Jules Mesnard. Texte par F. Aubert. (New York: F. W. Christern.)—This work, of some value in the history of the art-manufacture of the present day, has been brought to a close by the publication of the last number. It makes two large quarto volumes, which, however, can be conveniently bound in one, and it contains a great number of excellent woodcuts, from which, without the aid of the text, we are enabled to get a sufficiently clear idea of the present condition of the art-manufacture of France, and some notion of what is being done in certain fields of art-manufacture in England and Austria. In the matters of furniture, jewellery and silverware, and porcelain, this record of the picked work of the best workmen of our time in these countries—of France, we might more justly say, because the illustrations are for the most part of French subjects—is far from encouraging. Copying is done to perfection. Imitation is carried to the point of deception. Borrowing is the rule. Originality, on the other hand, is rare, or else those who strive for it have either so small or so restricted a clientele that it has not been thought worth while, either in this publication or others like it, to take any note of them or their productions. There are a few firms and single manufacturers in England and France—Morris, Marshall & Co., in London, Henri Deck, the designer and manufacturer of *faience*, in Paris, to name only two—who belong to this category; but either their productions are too high-priced, or the excellence and beauty of them make them caviare to the general, for they are seldom heard of in the market-place. Still, we do not complain that a work like this of M. Mesnard passes by the exceptional art-manufac-

tures of the day, and dwells at length on the popular productions. We get from these two volumes the knowledge that there exists an immense activity in this sort of manufacture, a great deal of technical skill, considerable taste in selecting what to copy, and much ingenuity in adapting old forms to new uses. And we get also the knowledge that there is very little popular demand for anything that calls for other faculties than these for its creation. Still, it is evident that the excellence of many of the forms and decorative features chosen to be copied, and the refusal of a few men of talent and artistic feeling to work to suit the market, have brought it about that the furniture, and porcelain, and textile fabrics, and wall-papers that are popular to-day, are, on the whole, very much better than such things were fifty years ago; though, within a hundred years, the decline, not only in excellence of design, but in thoroughness of execution, is very marked. The author of the text of this work is a thorough Frenchman in bragging about his native country and talking contemptuously of other people's; or, if others happen to do anything good, in attributing it to the fact that they have had France at hand to show them how. If, however, the engravings of the things sent to the Exhibition by Englishmen could be fairly thought to represent the state of art-manufacture in England, the claim of French superiority in this field would need no bragging to support it. The English original work, as shown in these volumes, is heavy in general design and clumsy in detail, and looks as if it were coarse in execution. We cannot, however, accept these specimens as representing the condition of art-manufacture in England as a whole. In some things—in textile fabrics and carpets, for instance—the English are quite equal to their neighbors. Very likely M. Aubert would resent our saying—what, nevertheless, we believe to be true—that the English arts have been as much marred as made by the French influence that has so long controlled them. English work is almost as devoid of a healthy nationality as it is of originality and taste.

One of the most useful services rendered by this work is the notion it gives us of the condition of wood-engraving in France, by means of examples drawn from many important publications of the day, by Mame of Tours, and by Hachette, Renouard, Morel, Germer-Baillière, and Didot, of Paris. There are also many cuts from Charles Blanc's "*Histoire des Peintres*," the *Magasin Pittoresque*, the *Gazette des Beaux-Arts*, and other serial publications, in which France surpasses all the rest of the world. But the superiority of the French in the art of wood-engraving is too evident to need proving, and M. Mesnard might have been content for that matter to refer doubters to the woodcuts with which he has illustrated his attractive volumes.

The Subterranean World. By Dr. George Hartwig, author of "*The Sea and its Living Wonders*, etc., etc." (New York: Scribner, Welford & Co. 1871.)—This is one of the most recent and attractive of the long series of illustrated scientific works which have been within the last few years issued from the French and German press; such as the various books compiled by Figuier; "*Subterranean Life*," by Simonin; "*The Earth*," by Elisée Reclus; "*The Heavens*," by Guillemin; "*The Sea and its Living Wonders*," "*The Tropical World*," "*The Polar World*," "*The Harmonies of Nature*," etc., by George Hartwig. This catalogue might be much extended, as some of the most luxuriously embellished books of the series have not been mentioned. The number, indeed, is so great as to form a conspicuous element in modern literature, and cannot be regarded otherwise than as one of the results of the great fermentation which has for some years been taking place in public sentiment with respect to educational matters. We everywhere see evidences that the great material progress of modern times has given us a new world, in which the inhabitants require a totally different education from that which sufficed for the wants of society a hundred years ago; when the old monkish cloud still shrouded the world of intellect; and when a severe and dogmatic theology, metaphysics, and classics gave the discipline and furnished the requirements which went to make up a liberal education. With the progressive development of the material world as practice, and the growth and multiplication of the physical sciences as theory, the industries, formerly the scorn of the humanities, gradually grew in importance until they have now come to occupy the larger share of the thought and respect of men, and are crowding their aristocratic neighbors to the wall.

In the catalogue of illustrated books on science to which reference has been made, we have manifestations of a strong but still undisciplined public taste—strong because it is willing to pay large prices for numerous beautifully illustrated and expensive books; crude, for most of these books are filled with wonders, and convey little accurate and systematic knowledge. They are, however, unquestionably doing a good work, and deserve better treatment than they have received at the hands of critics. They are gradually improving, too, and each succeeding decade and even year shows a marked change for the better in their scientific character. Some of the more

Smiles's general accuracy, we are tempted to call his attention to a curious mistake in the quotation from Lovelace's lines to Lucasta (on p. 197). The lines, as given here, are:

"I could love thee, dear, so much,
Loved I not honor more"

—a version which might do very well, if sung with the proper expression, for the refrain of a comic military song, but as it stands hardly illustrates the old English idea of the sacrifice of love to duty, as Mr. Smiles would have it do.

recent of the series are very admirable, teaching only true science, seizing its bold and salient points of interest, captivating and really educating without misleading. In this list we must include "Subterranean Life," "The Heavens," "The Earth," and the book before us. None of these are perfect, however, even of their kind—and, indeed, what is? They are written rather by bookmakers than scientific investigators, and so want thoroughness, symmetry, and accuracy. When in every department of science we shall have men who, like Tyndall, are thorough masters of their subjects, and peculiarly gifted as teachers and writers, we shall have science popularized as it ought to be.

Hartwig's "Subterranean World" covers a great deal of scientific ground, and must necessarily be somewhat superficial; still, on the whole, it covers it well. The first half of the book is devoted to a description of the wonders of geology, under the captions of geological revolutions, fossils, subterranean heat, subterranean upheavals and depressions, artesian wells, volcanoes, gas springs, earthquakes, land-slips, caves, including rock temples, ice caves, catacombs, bone caves, cave dwellings, and tunnels. The last half is devoted to economic geology, in chapters on mines in general, mineral veins, gold, silver, copper, tin, iron, coal, petroleum, salt, sulphur, amber, gems, etc. In these different chapters is a large amount of useful and interesting material, and while this cannot be accepted as an altogether satisfactory treatise on either structural or economic geology, there are few geologists who will not find in it new and striking facts, which are *real* facts and not fallacies; and if they complain that they are heterogeneous in their gathering and presentation, they can rearrange them to suit themselves.

THE NORTH AMERICAN REVIEW FOR APRIL.

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